



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT IN AND FOR
CACHE COUNTY, STATE OF UTAH

In the Matter of the GENERAL) FINDINGS OF FACT and
DETERMINATION OF ALL OF THE) CONCLUSIONS OF LAW IN
RIGHTS TO THE USE OF WATER,) REGARD TO A PROPOSED
BOTH SURFACE AND UNDERGROUND,) DETERMINATION OF WATER
IN THE DRAINAGE AREA OF BEAR RIVER) RIGHTS, SUMMERS;EVANS;
AND ALL OF ITS TRIBUTARIES.) FIRTH; BERT FIRTH; BOX
ELDER COUNTY DRAINS,
BOX ELDER COUNTY, UTAH.
Civil # _____

This matter having come on for hearing before the above entitled court,
Lewis Jones, presiding and sitting without a jury, pursuant to a notice and order
heretofore filed by said court for a hearing to be held commencing with the
19th day of December, 1960, and said matter being thereafter continued to the
20th day of March A. D., 1961, when witnesses were heard and evidence taken
and then continued for decision to Tuesday the 11th day of April, 1961; Walter
G. Mann Esquire appearing as counsel for the protestant Melvin O. Christensen
and Scott D. Allen and Glen W. Fuller, Esquires, appearing as counsel for V. N.
Petterson, Clair J. Firth and P. C. Petterson and Dallin Jensen
appearing for the State Engineer, and no other parties appearing by counsel
and the court having heard the evidence of the respective parties herein, both
oral and documentary and being fully advised in the premises and having found
in favor of the protestant, Melvin O. Christensen and against the State Engineer
and other parties, and having ordered that findings of fact and conclusions of
law and decree be made in keeping with his determination.

NOW, THEREFORE, on motion of Walter G. Mann, Esquire, attorney for
the protestant Melvin O. Christensen, and pursuant to the direction of the court,
the court now finds:

FINDINGS OF FACT

1. That prior to the year 1903 there was a certain drain ditch, which drained
waters from a northerly direction across the corner that is common to Sections